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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,859	11/21/2003	Pascal Jordil	34119US1	1360
116	7590	06/09/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			GUADALUPE, YARITZA	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

10/718,859

Examiner

Yaritza Guadalupe McCall

Applicant(s)

JORDIL ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed April 22, 2005.
2. ☒ The allowed claim(s) is/are 2,3,13,18,19,29,33,36-39 and 41-45.
3. ☒ The drawings filed on 21 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ron Kachmarik on June 3, 2005.

The application has been amended as follows:

- a. Please amend claim 29 as follows : In line 8 of the claim (the end of the claim), after the phrase "probe tip" and before the period, please add the phrase "for a predetermined time interval".
- b. Please amend claim 38 as follows : In line 9 of the claim, after the word "exerted", please add the phrase " for a predetermined time interval ".

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:
 - a. Claims 2 – 3, 13 and 43 are allowable over the Prior Art of Record because it fails to teach or suggest a method for enabling a command to switch the measure mode to be entered in a dimension measuring column provided with a probe tip wherein said command to switch the measure mode is entered by pressing the probe tip against a piece to be measured during a time interval greater than a predetermined value in combination with the remaining limitations of the claims.
 - b. Claim 18 – 19 and 44 are allowable over the Prior Art of Record because it fails to teach or suggest a dimension-measuring column comprising a probe tip wherein at least one of said measure modes can be selected by acting on the position of the probe tip without any other handling operating being necessary and wherein said measure mode can be selected by pressing the probe tip against the piece to be measured during a time interval greater than a predetermined value in combination with the remaining limitations of the claims.

c. Claim 29 is allowable over the Prior Art of Record because it fails to teach or suggest a computer data carrier comprising a command program for measuring and displaying system in a dimension measuring column, wherein said program enables another of said measure modes to be selected by acting on the position of the probe tip for a predetermined period of a time in combination with the remaining limitations of the claims.

d. Claims 33 and 45 are allowable over the Prior Art of Record because it fails to teach or suggest a method enabling a command to switch a measure mode to be entered in a dimension measuring column provided with a probe tip, wherein said command to switch the measure mode is entered by pressing said probe tip against a piece to be measured during a time interval shorter than a predetermined value in combination with the remaining limitations of the claims.

e. Claims 36 and 41 are allowable over the Prior Art of Record because it fails to teach or suggest a method enabling a command to switch the measure mode to be entered in a dimension measuring column provided with a probe tip wherein said command to switch the measure mode is entered by maintaining the probe tip pressed against said piece to be measured during a time interval longer than a predetermined time greater than zero in combination with the remaining limitations of the claims.

f. Claims 37 and 42 are allowable over the Prior Art of Record because it fails to teach or suggest a dimension-measuring column a probe tip wherein a command to switch the measure mode is entered upon a detection of a pressing force between the probe tip and a piece to be measured during a time interval longer than a predetermined time greater than zero in combination with the remaining limitations of the claims.

g. Claim 38 is allowable over the Prior Art of Record because it fails to teach or suggest a method enabling a command to switch the measure mode to be entered in a height measuring column provided with a probe tip wherein said command to switch the measure mode is entered by pressing said probe tip against a piece to be measured and wherein said height measuring column remains in said measure mode as long as sufficient pressing force is exerted for a predetermined period of time by the probe tip against the piece to be measured in combination with the remaining limitations of the claims.

h. Claim 39 is allowable over the Prior Art of Record because it fails to teach or suggest a method enabling a command to switch the measure mode to be entered in a dimension measuring column provided with a probe tip wherein said command to switch the measure mode is entered by only making use of the position of said probe tip along only one of said one or more measuring axis in combination with the remaining limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571) 272-2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859
June 3, 2005

DIEGO F.F. GUTIERREZ
SUPERVISOR PATENT EXAMINER
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